



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/359,260

07/22/1999

ROBERT L. CAMPBELL

P-3250

2590

64154

7590

08/01/2007

EXAMINER

DAVID W. HIGHT, VP & CHF. INTELLC. PROP. COUNSEL

ANTONELLI, TERRY, STOUT & KRAUSE, LLP

BECTON DICKINSON AND COMPANY

1 BECTON DRIVE, MC 110

FRANKLIN LAKES, NJ 07417-1880

ART UNIT

PAPER NUMBER

DATE MAILED: 08/01/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief</b> <b>(37 CFR 41.37)</b>	<b>Application No.</b> 09/359,260	<b>Applicant(s)</b> CAMPBELL ET AL.	
	<b>Examiner</b> Eric S. DeJong	<b>Art Unit</b> 1631	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 19 April 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

  
**RAM R. SHUKLA, PH.D.**  
**SUPERVISORY PATENT EXAMINER**


EDJ *EDJ* 07/24/2007

Continuation of 10. Other (including any explanation in support of the above items):

The explanation of the subject matter recited in claims 135-138 contained in the appeal brief (see pages 6-9 of the appeal brief filed 04/19/2007) are not mapped to the instant disclosure via supporting citations to the instant specification. It is emphasized that 37 CFR 43.67(c)(1)(v) requires the explanation of subject matter defined in each independent claim be accompanied by supporting citations, by page and line number, to the specification.

Applicants are reminded of an unresolved objection to claim 91 because of minor informalities (see page 2 of the Office action mailed 04/20/2006). Applicants are requested to submit a claim set containing an amendment to claim 91 correcting the identified grammatical error.

The IDS filed on 04/28/2006 is not in compliance with 37 CFR 1.97(d) because it is not accompanied by the statement required under 37 CFR 1.97(e). Therefore, the items contained therein have not been considered or made of record in the instant application.



RAM R. SHUKLA, PH.D.  
SUPERVISORY PATENT EXAMINER